

Piracy and Maritime Security, esp. in Somalia

General Overview:

Piracy has recently reasserted itself as one of the most prominent threats to international security, with potential consequences, which could endanger the safety, economy, humanitarian resources and the environment of a very large number of countries. When talking of piracy, one tends to think first of Somalia. Piracy is a far greater problem than just that of the coast of Somalia, however, the actual situation in the region presents a very good representation as to why the UN Security Council needs to come quickly to an agreement. Piracy off the coast of Somalia has more than doubled in 2008, with 61 ships having already been attacked this year alone. The international community must be aware of the real danger posed by these pirates as they can easily become agents of international terrorist networks. Money for pirate ransoms has already been used to sponsor the war in Somalia, and funds generated from the industry have been directed to a number of terrorist organizations across the world. The danger however is even further reaching. Piracy has meant that vital deliveries of aid from the World Food Programme to Somalia have been postponed owing to the danger presented by pirates. The humanitarian crisis in the region can only worsen if vital aid is not allowed to the area. Furthermore, the danger and cost of piracy in the region has meant that many leaders have already been talking of avoiding the now perilous Gulf of Aden and diverting around the Cape of Good Hope. At a time of very high inflationary pressures on all world economies, this should be of grave concern. A number of options remain open to the UN Security Council as to how this problem might be tackled; ignoring the issue is not one of them.

Definition of Key Terms:

Piracy

Piracy is a war-like act committed by a nonstate actor, especially robbery or criminal violence committed at sea, on a river, or sometimes on shore, either from a vessel flying no national flag, or one flying a national flag but without authorization from a national authority. It does not normally include crimes on board a vessel among passengers or crew. The term has been used to refer to raids across land borders by nonstate actors.

Maritime Security

Maritime Security is concerned with the prevention of intentional damage through sabotage, subversion, or terrorism. The Maritime Security mission of the United States Coast Guard has gradually developed in response to a series of catastrophic events, which began in 1917.

There are three main maritime security activities conducted by the Coast Guard:

- Port Security.

- Vessel Security.

- Facility Security.

International conventions

UNCLOS Article 101: Definition

In the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, "maritime piracy" consists of:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

IMB Definition

The International Maritime Bureau (IMB) defines piracy as:

the act of boarding any vessel with an intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act.

Major countries and Organizations involved and their positions:

Somalia

Piracy off the Somali coast has been a threat to international shipping since the beginning of Somalia's civil war in the early 1990s. Since 2005, many international organizations, including the International Maritime Organization and the World Food Programme, have expressed concern over the rise in acts of piracy. Piracy has contributed to a rise in shipping costs and impeded the delivery of food aid shipments. Ninety percent of the World Food Programme's shipments arrive by sea, and ships have required a military escort. According to the Kenyan foreign minister, Somali pirates have received over \$150 million (US dollars) in ransom money during the 12 months prior to November 2008.

IMO (International Maritime Organization)

The International Maritime Organization is the United Nations specialized agency responsible for improving maritime safety and preventing pollution from ships. IMO's main task has been to develop and maintain a comprehensive regulatory framework for shipping and its remit today includes safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping.

Previous attempted solutions:

UNSC(United Nations Security Council)

The Security Council and the UN as a whole have seen the serious problem presented by piracy, and, United Nations Secretary General Ban Ki-moon has pledged his support for an extension of the mandate, given in United Nations Security Council resolution 1816 (2008), enabling States cooperating with the Transitional Federal Government of Somalia to enter the

country's territorial waters and use all necessary means in order to repress acts of piracy and armed robbery at sea, consistent with relevant international law. That mandate is due to expire on 1 December 2008, i.e. six months after the adoption of the resolution, on 2 June 2008.

This resolution was supported by the International Maritime Organisation (IMO), and its Secretary General Efthimios E. Mitropoulos has welcomed the adoption by the United Nations Security Council of a resolution authorizing a series of decisive measures to combat acts of piracy and armed robbery against vessels off the coast of Somalia. This resolution, which is due to end its mandate at the end of 2008 means that the Security Council must once again recall its responsibility to act on this issue. The resolution 1816 has gone some way to dealing with the pressing concerns, however in November 2008 the IMO made an appeal to the Security Council for urgent and much more far reaching action concerning piracy.

A coordinated and cohesive both internationally and nationally, creating solutions which can be employed to the coast of Somalia as well as all regions where piracy has become a threat is needed to prevent the development of a new force which can endanger world security, economies and individual human lives.

Useful links:

Website of the International Maritime Organization:

<http://www.imo.org/>

Definition of what is meant by piracy:

http://www.imo.org/TCD/mainframe.asp?topic_id=362

Reports on piracy; September 2008:

http://www.imo.org/includes/blastDataOnly.asp/data_id%3D23951/126.pdf

Resolution 1816 adopted June 2008:

<http://www.un.org/News/Press/docs/2008/sc9344.doc.htm>

<http://un.org/News/Press/docs/2008/sc9467.doc.htm>

A briefing paper on piracy on Somalia:

http://www.chathamhouse.org.uk/files/12203_1008piracysomalia.pdf